

1 SENATE BILL 583

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Linda M. Lopez

5
6
7
8
9
10 AN ACT

11 RELATING TO THE ELECTION CODE; TEMPORARILY FREEZING PRECINCT
12 BOUNDARIES FOR REDISTRICTING PURPOSES; PROVIDING FOR THE
13 ADJUSTMENT OF PRECINCT BOUNDARIES; PROVIDING FOR DELAYED
14 REPEAL; DECLARING AN EMERGENCY.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. [NEW MATERIAL] SUSPENSION OF CERTAIN
18 REQUIREMENTS--PRECINCT BOUNDARY FREEZE--EXCEPTIONS.--

19 A. For the purpose of redistricting following the
20 federal decennial census, the authority of boards of county
21 commissioners to create new precincts or to combine precincts
22 and to alter their boundaries pursuant to Section 1-3-2, 1-3-3
23 or 4-38-21 NMSA 1978 is suspended from June 1, 2009 until
24 January 31, 2012, and all precinct boundaries are frozen until
25 January 31, 2012, except those precinct boundaries not in

.175263.4

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 compliance with the provisions of the Precinct Boundary
2 Adjustment Act.

3 B. The secretary of state may authorize a board of
4 county commissioners to adjust precinct boundaries in
5 accordance with the Precinct Boundary Adjustment Act and shall
6 notify the legislative council service of any adjustments.

7 Section 2. Section 1-3-12 NMSA 1978 (being Laws 1984 (1st
8 S.S.), Chapter 3, Section 4, as amended) is amended to read:

9 "1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

10 A. Before each federal decennial census, every
11 precinct boundary shall be adjusted to coincide with a
12 ~~[numbered or named street or road or with a visible terrain]~~
13 feature or a boundary that is:

14 (1) shown on the standard base maps developed
15 pursuant to Subsection B of this section;

16 (2) a designated census block boundary on the
17 proposed federal PL 94-171 ~~[2000]~~ 2010 census block maps; or

18 (3) approved by the secretary of state and the
19 bureau of the census.

20 B. Prior to commencement of the federal decennial
21 census, the secretary of state shall have prepared and shall
22 furnish to each county clerk standard base maps of the county.
23 The standard base map for urban and nonurban areas of the
24 county shall, as nearly as practical, show:

25 (1) all state and federal highways;

.175263.4

underscored material = new
[bracketed material] = delete

1 (2) all numbered and named county roads that
2 have been certified to the department of transportation;

3 (3) all military installation boundaries and
4 federal and state prison boundaries;

5 (4) all major railroad lines; ~~[and]~~

6 (5) federal, state and county political
7 boundaries, municipal boundaries and school district
8 boundaries;

9 (6) all streets within urban areas; and

10 ~~[(5)]~~ (7) other major terrain features such as
11 flowing rivers and streams, arroyos, powerlines, pipelines,
12 roads, trails and ridgelines and other acceptable census block
13 boundaries.

14 C. The board of county commissioners and the county
15 clerks, upon receipt of the standard base maps from the
16 secretary of state, shall:

17 (1) adjust all ~~[urban]~~ precinct boundaries to
18 coincide with numbered or named street boundaries ~~[(2) adjust~~
19 ~~all nonurban precinct boundaries to coincide with]~~ or suitable
20 visible terrain features shown on the standard base map;
21 provided that ~~[in order to make an adjustment, two or more~~
22 ~~existing precincts may be consolidated without consolidating~~
23 ~~existing polling places; and provided further that]~~ the
24 precincts shall be composed of contiguous and compact areas,
25 and state, county ~~[and]~~, municipal, school district and other

.175263.4

underscored material = new
[bracketed material] = delete

1 political boundary lines [~~may~~] shall serve as precinct
2 boundaries whenever possible; and

3 [~~(3)~~] (2) upon the completion of the precinct
4 boundary adjustments as required in this section, indicate on
5 the standard base maps the boundaries for both urban and
6 nonurban precincts and, together with a written description of
7 the precincts, shall send an electronic copy in a format
8 approved by the secretary of state or four copies of the
9 precinct maps to the secretary of state for approval.

10 D. The precincts shown upon the standard base maps
11 submitted pursuant to the provisions of this section and as
12 revised and approved by the secretary of state pursuant to the
13 Precinct Boundary Adjustment Act shall become the official
14 precincts of each county for the [~~2001~~] 2011 redistricting.
15 For the [~~2002~~] 2012 and subsequent primary and general
16 elections, changes in precincts shall be made in accordance
17 with the provisions of Chapter 1, Article 3 NMSA 1978.

18 E. A [~~county commission~~] local public body, when
19 creating or redrawing districts, shall not split a precinct
20 into two or more districts for any elected office unless
21 necessary to comply with federal law or to preserve communities
22 of interest.

23 F. Precincts shall be designated solely by whole
24 numbers."

25 Section 3. Section 1-3-13 NMSA 1978 (being Laws 1983,
.175263.4

underscored material = new
[bracketed material] = delete

1 Chapter 223, Section 4, as amended) is amended to read:

2 "1-3-13. SECRETARY OF STATE POWERS AND DUTIES.--

3 A. The secretary of state shall review all county
4 precinct maps submitted pursuant to Section 1-3-12 NMSA 1978
5 for compliance with the provisions of the Precinct Boundary
6 Adjustment Act. Those county precinct maps determined not to
7 be in compliance with the precinct boundary criteria set forth
8 in Subsection A of Section 1-13-12 NMSA 1978 shall be rejected
9 and returned to the appropriate county clerk with a written
10 statement setting forth those instances [~~where~~] in which the
11 map does not comply. The county clerk and the board of county
12 commissioners shall make the required adjustments and resubmit
13 one copy of the corrected county precinct map within thirty
14 days after receiving notice of noncompliance.

15 B. Prior to January 1, [~~2002~~] 2012, if any precinct
16 boundary adjustments are necessary to meet the legal and
17 constitutional requirements of [~~legislative reapportionment~~]
18 redistricting, the secretary of state shall notify any county
19 of those boundary adjustments that are necessary in that
20 county. Upon review and certification of the adjusted precinct
21 boundaries, the county shall submit the certified precinct
22 changes to the secretary of state for final approval of the
23 precincts for the [~~2002~~] 2012 primary and general elections."

24 Section 4. DELAYED REPEAL.--Section 1 of this act is
25 repealed effective January 31, 2012.

.175263.4

